

EFW

Attorney Docket No: CV06039 US/4686-050108

TRANSMITTAL LETTER

MAIL STOP AMENDMENT
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Application No.: 10/791,979 Filing Date: March 3, 2004

Examiner: Mark L. Berch Art Unit: 1624

Invention: **SUBSTITUTED AZETIDINONE COMPOUNDS, PROCESSES FOR PREPARING THE SAME, FORMULATIONS AND USES THEREOF**

Transmitted via facsimile herewith is a Request for Reconsideration in the above-identified application.

- Small Entity Status is/has been asserted for this application under 37 CFR 1.27.
 A verified statement to establish small entity status under 37 CFR 1.27 is enclosed.
 No additional claim fee is required.
 The fee has been calculated as shown below:

No of Claims After <u>Amendment</u>	Highest No. Previously <u>Paid For</u>	Present <u>Extra</u>	Small Entity <u>Rate</u>	Non-Small Entity <u>Rate</u>	Charge
Total <u>33</u>	<u>33</u>	<u>0</u>	x \$ <u>25.00</u>	x \$ <u>50.00</u>	\$ <u>0.00</u>
Indep. <u>3</u>	<u>3</u>	<u>0</u>	x \$ <u>100.00</u>	x \$ <u>200.00</u>	\$ <u>0.00</u>
First Presentation of Multiple Dependent Claim/s					
TOTAL ADDITIONAL FEE					\$ <u>0.00</u>

- Check in the amount of \$ _____ is enclosed for one-month extension of time.
 The Commissioner is hereby authorized to charge payment of the following fees associated with this communication to Deposit Account No. 23-0650. Please refund any overpayment to Deposit Account No. 23-0650. An original and two copies of this sheet are enclosed.
 Any additional filing fees required under 37 CFR 1.16.
 Any patent application processing fees under 37 CFR 1.17.

January 18, 2005

Date

By: 

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: :
Duane Burnett et al. : Examiner: Mark L. Berch
Serial No.: **10/791,979** : Group Art Unit: 1624
Filed: **March 3, 2004** : Date: January 18, 2005
For: **Substituted Azetidinone
Compounds, Processes :
For Preparing the Same,
Formulations and Uses
Thereof** :

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to Rule 56, it is requested that the documents listed on the accompanying PTO-1449 Form be considered and made of record in the above-identified patent application. Copy(ies) of these reference(s) are attached
 were filed in related application U.S. Serial No(s) _____ filed _____, respectively.

(a) No fee is believed due because:

- This Information Disclosure Statement is being filed within three (3) months of the filing date of the application.
- This Information Disclosure Statement is being concurrently filed with the above-identified application.
- This Information Disclosure Statement is being concurrently filed with a Request for Continued Examination (RCE).
- This Supplemental Information Disclosure Statement is being filed prior to the mailing of a first Office Action on the merits.

I hereby certify that this correspondence is being transmitted via facsimile addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number 703-872-9306 on January 18, 2005.

Chris Reichert

(Name of Person Faxing Paper)


Signature

1/18/2005
Date

- (b) This Information Disclosure Statement is being filed before the mailing date of any final action, notice of allowance or an action that otherwise closes prosecution; and
- Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; or
- The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.
- (c) This Information Disclosure Statement is being filed on or before the payment of the issue fee; and
- Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement; and
- The Commissioner is hereby authorized to charge the requisite fee listed on the attached Fee Transmittal Sheet.

- The Commissioner is hereby authorized to charge any additional fees which may be required for this Supplemental Information Disclosure Statement, or credit any overpayment to Deposit Account No. 23-0650, Patent Case No. CV06039US01.

Respectfully submitted,

Dated: January 18, 2005

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<p>Substitute for form 1449A-PTO</p> <h1 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h1> <p style="text-align: center;">(use as many sheets as necessary)</p>				Complete if Known			
Application Number	10/791,979			Filing Date	March 3, 2004		
First Named Inventor	Duane Burnett et al.			Group Art Unit	1624		
Examiner Name	Mark L. Berch			Attorney Docket Number	CV06039US/4686-050108		
Sheet	1	of	2				

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴				
	1	WO	99/22728	A1	Arch Development Corporation	May 14, 1999	
	2	WO	01/96347	A1	Bristol-Myers Squibb Company	December 20, 2001	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO				Complete if Known	
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				Group Art Unit	1624
				Examiner Name	Mark L. Berch
Sheet	2	of	2	Attorney Docket Number	CV06039/4686-050108

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature _____ **Date Considered** _____

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